

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PAULINE MONTGOMERY,

Plaintiff,

v.

CDCR CORRECTIONS OFFICER, *et al.*,

Defendants.

Case No. 1:23-cv-00439-BAM (PC)

ORDER STRIKING UNSIGNED COMPLAINT
AND REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT
(ECF No. 1)

ORDER TO SUBMIT PRISONER APPLICATION
TO PROCEED *IN FORMA PAUPERIS* OR PAY
FILING FEE

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Pauline Montgomery (“Plaintiff”) is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on March 23, 2023. (ECF No. 1.)

First, Plaintiff has not paid the \$402.00 filing fee or submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff must sign and complete the attached form and submit a certified copy of her trust account statement if she wishes for the application to be considered.

Second, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff’s

1 complaint lacks any signature. (ECF No. 1, p. 6.) Both the Federal Rules of Civil Procedure and
2 this Court's Local Rules require that all filed pleadings, motions and papers be signed by at least
3 one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P.
4 11(a); Local Rule 131(b). As Plaintiff's complaint is unsigned, the Court must strike it from the
5 record. Plaintiff will be permitted an opportunity to file a signed complaint that complies with the
6 Federal Rules of Civil Procedure and the Local Rules.

7 Based on the foregoing, it is HEREBY ORDERED that:

- 8 1. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*
9 application for a prisoner on Plaintiff;
- 10 2. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL
11 file the attached application to proceed *in forma pauperis*, completed and signed,
12 including a certified copy of her trust account statement for the past six months, or in
13 the alternative, pay the \$402.00 filing fee for this action;
- 14 3. Plaintiff's complaint, filed March 23, 2023, (ECF No. 1), is STRICKEN from the
15 record for lack of signature;
- 16 4. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 17 5. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL
18 file a signed complaint, **not to exceed 25 pages in length**, or a notice of voluntary
19 dismissal; and
- 20 6. **Plaintiff is warned that the failure to comply with this order will result in**
21 **dismissal of this action, without prejudice.**

22
23 IT IS SO ORDERED.

24 Dated: March 24, 2023

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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